

**NEVADA DEPARTMENT OF  
CONSERVATION & NATURAL RESOURCES**

**STATE ENVIRONMENTAL COMMISSION**

**HEARING ARCHIVES FOR**

**REGULATORY PETITIONS**

**COMMISSION PETITION NO. 95007**

**LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. Temporary (See 96001)**

**DOCUMENTS INCLUDED IN THIS FILE:**

**YES SECRETARY OF STATE FILING FORM**

**YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B**

**REGULATORY PETITIONS**

**ORIGINAL DRAFTED BY COMMISSION**

**YES ADOPTED BY COMMISSION**

**AS FILED AND CODIFIED BY LCB**

Secretary of State  
Filing Data

For Filing Administrative  
Regulations

For Emergency  
Regulations Only

Effective Date \_\_\_\_\_

Expiration Date \_\_\_\_\_

\_\_\_\_\_  
Governor's Signature

**Nevada State Environmental Commission**

Classification [ ] Proposed [ ] Adopted By Agency [xx] Temporary [xx] Emergency [ ]

**Brief description of action:** **Petition 95007** temporarily amends the State's hazardous waste regulation NAC 444.8427 "Facility for community recycling" and NAC 444.84275 "Facility for community storage" by updating references that directly relates to 40 C.F.R 262.41 as those federal regulations existed on March 1, 1995. In addition NAC 444.850 "Definitions" and 444.8632 "Compliance with federal regulations adopted by reference" were also amended to reflect federal regulations as existing on March 1, 1995. The cost of federal publications referenced in NAC 444.8632 have been updated.

**Authority citation other than 233B:** NRS 459.485, 459.490, 459.500

**Notice date:** March 3, 1995, March 16, 1995 and March 27, 1995

**Hearing date:** April 4, 1995

**Date of Adoption of Agency:** April 4, 1995

**LEGISLATIVE REVIEW OF ADOPTED TEMPORARY REGULATIONS AS REQUIRED  
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066  
PETITION 95007**

The following statement is submitted for adopted temporary amendments to Nevada Administrative Code (NAC) 444.

**1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Petition 95007 was noticed three (3) times: 3-3-95, 3-16-95 and 3-27-95 in the Las Vegas Review and Reno Gazette-Journal newspapers. No public comments was received. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670, or writing in to the Commission at 333 W. Nye Ln., Room 128, Carson City, Nevada 89710.

**2. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. No comments were received from affected businesses. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670 or writing in to the Commission at 333 W. Nye Ln., Room 128, Carson City, Nevada 89710.

**3. If the regulation was adopted without changing any part of the proposed temporary regulation, a summary of the reasons for adopting the regulation without change.**

The temporary regulation was adopted at the State Environmental Commission hearing on April 4, 1995 with no changes proposed by the public or businesses or the agency.

**4. The estimated economic effect of the adopted temporary regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) Both adverse and beneficial effects: and
- (b) Both immediate and long-term effects.
  - a. As federally mandated requirements, adoption of these amendments is not anticipated to have any additional adverse economic impact on Nevada businesses, but conversely it should make it easier for affected businesses to comply by simplifying the requirements. In addition, the State is required to adopt these federal regulations to maintain authorization for the RCRA hazardous waste program.
  - b. There is no estimated effect on the public, either adverse or beneficial, nor immediate or long-term.

**5. The estimated cost to the agency for enforcement of the adopted temporary regulation.**

There is no additional cost to the agency for enforcement.

**6. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary.**

The action is to adopt by reference federal regulations, thereby securing state primacy in implementing the federal law. There are no other state or government agency regulations which the proposed amendments duplicate.

# ADOPTED TEMPORARY REGULATION OF THE NEVADA STATE ENVIRONMENTAL COMMISSION

Petition 95007

Explanation: Matter in [ ] is language to be deleted. Matter in *italics* is new language.

AUTHORITY: NRS 459.485, 459.490, 459.500

Section 1. NAC 444.8427 is hereby amended to read as follows:

**444.8427 "Facility for community recycling" defined.** "Facility for community recycling" means a facility for recycling hazardous waste which has a yearly capacity that is not more than twice the amount of the type of hazardous waste proposed to be recycled that is generated within the region in this state in which the facility is or is proposed to be located, as determined by the generation rate contained in the biennial report required by the provisions of 40 C.F.R. § 262.41, as that section existed on **[July 1, 1990.] March 1, 1995.**

Section 2. NAC 444.84275 is hereby amended to read as follows:

**444.84275 "Facility for community storage" defined.** "Facility for community storage" means a facility for the storage and consolidation of hazardous waste which has a yearly capacity that is not more than twice the amount of hazardous waste that is generated within the county in which the facility is or is proposed to be located, as determined by the generation rate contained in the biennial report required by the provisions of 40 C.F.R. § 262.41, as that section existed on **[July 1, 1990.] March 1, 1995.**

Section 3. NAC 444.850 is hereby amended to read as follows:

**444.850 Definitions.** As used in NAC 444.850 to 444.8746, inclusive, unless the context otherwise requires:

1. The words and terms defined in NAC 444.8505 to 444.861, inclusive, have the meanings ascribed to them in those sections.
2. Except for the words and terms otherwise defined in NAC 444.8505 to 444.861, inclusive, the words and terms defined in 40 C.F.R. § 260.10, as it existed on **[July 1, 1993,] March 1, 1995,** have the meanings ascribed to them in that section.

Section 4. NAC 444.8632 is hereby amended to read as follows:

**444.8632 Compliance with federal regulations adopted by reference.**

1. In addition to the requirements of NAC 444.850 to 444.8746, inclusive, any person who generates, transports, treats, stores, disposes or otherwise manages hazardous waste or used oil shall comply with all applicable requirements of, and may rely upon applicable exclusions or exemptions under 40 C.F.R. Part 2, Subpart A, Part 124, Subparts A and B, Parts 260 to 270, inclusive, and Part 279, as those provision existed on **[July 1, 1994] March 1, 1995**, which, except as modified by NAC 444.86325, 444.8633 and 444.8634, are hereby adopted by reference. The state environmental commission may use federal statutes and regulations that are cited in 40 C.F.R. Part 2, Subpart A. Part 124, Subparts A and B;, Parts 260 to 270, inclusive, and Part 279, to interpret these sections and parts.

2. The volumes containing these parts may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, for the following prices:

- (a) Volume 40 C.F.R. Part 2 ..... **[\$31] \$39**
- (b) Volume 40 C.F.R. Part 124 ..... **[34] 39**
- (c) Volume 40 C.F.R. Parts 260 to 270, inclusive, and 279 ..... 36

END OF TEMPORARY PETITION 95007